

PREPARED BY:
CHRISTOPHER I. MILLER, ESQ.
GOEDE, DEBOEST & CROSS, PLLC
2030 MCGREGOR BLVD.
FORT MYERS, FL 33901

INSTR. # 2021000360109, Pages 9
Doc Type: CER, Recorded: 11/2/2021 at 1:06 PM
Linda Doggett Lee County Clerk of the Circuit Court
Rec Fees: \$78.00

Deputy Clerk NFERGUSON
#3

**CERTIFICATE OF RECORDING OF RULES AND REGULATIONS FOR
FOUNTAIN LAKES COMMUNITY ASSOCIATION, INC.**

THE UNDERSIGNED being the agent and attorney in fact for FOUNTAIN LAKES COMMUNITY ASSOCIATION, INC., a Florida non-profit corporation, does hereby certify that the attached Rules and Regulations, as referenced in the originally recorded Declaration of Covenants, Conditions and Restrictions for Fountain Lakes, recorded in Official Records Book 2171, Page 2817, *et. seq.*, of the Public Records of Lee County, Florida, as amended from time to time, were duly approved, adopted and enacted by the affirmative vote of the proper percentage of voting interests of the Board at a Board meeting called for that purpose, at which a quorum was present held, on the 20th day of October 2021.

WITNESSES:

(Sign) Lorraine Kiesel

(Print) Lorraine Kiesel

(Sign) Leah D. Britt

(Print) LEAH D. BRITT

**FOUNTAIN LAKES COMMUNITY
ASSOCIATION, INC.**

BY: Christopher I Miller
Christopher I Miller, Esq., as agent and
attorney in fact.

**STATE OF FLORIDA
COUNTY OF LEE**

The foregoing instrument was acknowledged before me this 2nd day of November 2021 by Christopher I. Miller, Esq., as agent and attorney in fact for Fountain Lakes Community Association, Inc., on behalf of said corporation. Said person is personally known to me and did not take an oath.



NOTARY PUBLIC: Leah D. Britt
STATE OF FLORIDA (SEAL)
My Commission Expires:

Fountain Lakes Rules and Regulations

Please see community governing documents referenced for additional details

1. Contractors are not allowed to perform outdoor work on Sunday or Holidays.
2. Common Areas (Article 4.4)
 - a. Residents should not make use of the common area in such a way that it abridges the rights of others.
 - b. No public or private nuisance or offensive activity is allowed on parcels or in or on common property.
3. Feeding wildlife is prohibited, including ducks. Bird feeders are permissible.
4. HOA Exterior Décor
 - a. Front porch – Chairs, benches, and gliders as well as potted flowers are permissible
 - b. Portable fire pits are allowed without an ARC but must be put away after use.
 - c. Burn barrels are not allowed
5. Holiday Décor
 - a. Holiday lights or décor may be installed after Thanksgiving and taken down by the end of January.
 - b. Other holiday decorations (Halloween, Easter) may be installed a week before the holiday and taken down a week after the holiday.
 - c. Wall hangers, garden statues, potted plants, wind chimes, benches, and landscape lights are acceptable.
 - d. Front door wreaths are acceptable.
6. Hurricane Shutters
 - a. May be installed from June 1 to November 30 on the back or side of the house.
 - b. Front shutters which are installed more than 72 hours in advance of a hurricane and not removed within 72 hours after the hurricane has passed must be of clear material or blend in with the color scheme of the building.
 - c. Owners who plan to be gone during hurricane season (June 1- November 30th) shall be responsible for preparing their residence for hurricanes by removing all furniture, potted plants and other movable objects from their yard, and arranging for a designated person or firm to install hurricane shutters no more than 72 hours before a hurricane and remove them no later than 72 hours following the hurricane.
7. Lake (Article 4.15) and Halfway Creek usage:
 - a. Residents must take caution as lakes and creek may contain alligators and bacteria
 - b. No swimming is allowed
 - c. No boats, canoes, or kayaks are allowed in lake or creeks except Association maintenance equipment
 - d. No lifeguard on duty
8. Signs: No signs of any kind are permitted in yards or on streets unless prior written consent of the Board or Board Representative. Real estate signs have a specific specification that if followed does not need approval, the specification is located in the office. (Article 4.18)
 - a. Political signs may be posted 30 days before an election, not to exceed 24" X 18", must be removed the day after the election
9. Outdoor Clotheslines: Clothes and other items on outdoor clothes lines must be removed at night

10. Meeting Rules: Owners may speak at the Board Meeting when called upon for a maximum time period of three minutes
11. Parking (Article 4.25)
 - a. Only cars and trucks used primarily for the transportation of passengers and their personal goods are allowed to be parked on driveways overnight. These vehicles must fit entirely on the driveway and not block traffic or be parked in the yard. No other vehicles of any kind are permitted on driveways overnight, unless allowed by State law.
 - b. Trucks and cars with commercial advertisement markings cannot be parked on driveways or in common areas overnight.
 - c. Overnight parking of any vehicle on the streets or in common areas is prohibited, unless authorized by Board or the Board Representative.
 - d. Limited duration parking in common area lots is with permission of the HOA only.
 - e. Commercial vehicles are only permitted on residential parcels for a maximum of 12 hours when they are performing construction or repair of the parcel. (Article 4.25 F)
12. Path along the west side of the golf course is restricted
 - a. Walking and maintenance carts only
 - b. No bicycles, skates, skateboards, or resident carts are allowed
13. Pets – additional information (Article 4.17)
 - a. Only 3 total pets- dogs, cats, or other non-exotic pets- are permitted per household. (ADA/FHA animals excluded)
 - b. Aggressive pets will be reported to the Lee County Animal Control and could be asked to be removed from the property.
 - c. All pets and animals must be leashed or held when not on the owner’s parcel.
 - d. All pet and animal waste is to be picked up immediately by the pet/animal owner or “walker” and properly disposed of.
14. Posted speed limit within Fountain Lakes is 25 mph.
15. Resident’s Playgrounds (Article 4.32)
 - a. Swing sets with slide and monkey bars or playhouse with swing set is permissible.
 - b. No playhouses or other constructions may be placed in trees.
 - c. No trampolines are permitted
16. Single Family Homes. (Articles 4.21, 4.24, 4.29, & 4.1.a)
 - a. No Air B&B or VRBO or similar short-term rentals (less than 30 days) are permitted.
 - b. Residences may be leased by the owner for a minimum of 30 days with no more than 4 leases per calendar year. The Master Association requires that all owners in the HOA’ s, submit a lease registration form before any tenant moves into the unit, regardless if money exchanges hands.
 - c. No trade or business that involves customers coming and going or that disturbs neighbors is permitted.
17. Sports Equipment
 - a. Mobile or portable basketball hoops may be stored on the driveway. But must be removed during a hurricane.
 - b. Soccer goal nets, volleyball nets and other temporary sports equipment must be taken down after play and stored in a garage or out of view.
18. Trash containers

- a. All trash containers must be stored out of sight. Inside the garages or behind screening material except 24 hours before they are to be picked up
- b. All garbage containers must be put away within 24 hours of the pick
- c. Landscape material used for screening must be non-invasive
- d. White vinyl fence or painted to match the house may be used as a screening. Maximum height is 6 foot and maximum length not to exceed 8 foot. All external installations must be built on the owner's property using set back limits – not on common areas (Article 4.9)

ARC Rules and Regulations

Please complete the ARC form in its entirety or it WILL NOT be processed by the ARC Committee.

1. ARC forms are required for any external addition, change or modification including paint colors, landscaping changes, pools, expansions of lanais, external changes to the residence, satellite dishes, fences, permanent constructed firepits. (See ARC form for details).
2. Antennas and satellite dishes (Article 4.8 ARC form)
 - a. Only those designed to receive direct broadcast satellite services or video services - which are 1 meter or less in diameter- are permitted. ARC form approval is required for the installation of an antenna or satellite dish or other reception device before it can be installed.
3. Driveways – Altering driveway in size or material requires ARC.
 - a. Must be concrete or pavers.
 - b. Must be no wider than the width of the garage.
 - c. Driveway wider than the garage or circular may not be installed within set back limits of property lines, storm sewers or utility lines and must be approved by the Board or Board representative.
4. Flags - (Article 4.8, ARC)
 - a. Homeowner's are permitted one flagpole installed on their property.
 - b. Flag must be properly displayed, and acceptable flags are United States, State of Florida, or other US military department, and POW/MIA.
 - c. Maximum height of pole is 20 feet and Flag no larger than 4.5' X 6' is permitted.
 - d. Flag – Apartments, Condos, and HOA's are permitted Wall-mounted flags.
 - e. Banners – are acceptable for college and professional sports teams; seasonal banners (e.g. Thanksgiving, Easter, Passover, Yom Kippur), Nautical, and Beach Themes.
5. Gardens
 - a. Potted herb or vegetable gardens are permissible within reason with ARC approval. They must not obstruct the “curb appeal” of the neighborhood.
 - b. No compost piles.
6. Lighting (Article 4.22, ARC)
 - a. Other outdoor lighting requires ARC form approval before installation.
7. Landscaping: Any substantial changes to the lot in regard to the landscaping needs an ARC approval
 - a. No plant or tree removal, destruction, pruning, or damage is to be done to common area landscaping.

- b. Trees – none are to be planted over or within set back limits of property lines, storm sewers, or utility lines unless approved by Board or Board representative.
 - c. Fruit trees are permissible must be kept neat and orderly.
 - d. Dead trees must be removed before 60 days.
 - e. Homes adjacent to lake banks
 - i. Owners are encouraged to plant bald cypress trees as their root system is the best for stabilizing banks and preventing lake bank erosion.
 - ii. Lake set back is 25 feet.
 - f. Before planting, owner must “call before you dig” to mark utility lines.
 - g. All lawn and landscaping must be kept in good condition.
8. Outdoor equipment (Article 4.20, ARC form)
- a. An ARC is required for installation of all such equipment: pool equipment, oil or bottled gas tanks, generators, water purification equipment and other externally installed equipment. The ARC approval is required before installation can begin. This equipment must also be screened from sight from the street and from neighboring residences.
 - b. All air conditioning and heating outdoor units must be shielded from view from the street and from the view of other residences.
 - c. Window or wall air conditioners must receive Board approval.
9. Resident Fences (ARC)
- a. Fences are prohibited from property bordering any lake.
 - b. Must be installed subject to community specifications adopted by the ARC, with ARC approval.
 - i. Must be black powder coated aluminum of the picket style.
 - ii. Must not be over 4 feet in height.
 - iii. Fences NOT placed in the back yard or that are wider than the house, must have ARC and Master Board approval.
 - c. Walls, fences, and vegetation barriers may be placed on the lot line of Fountain Lakes property that borders NON-fountain Lakes property (ex. Williams Road and along the western boundary of Fountain Lakes similar to the Manors, Greens, Forest Ridge, Forest Ridge Shores and Apartments).
 - d. Underground electric fences are permissible.
10. Residents Pool (Article 4.31)
- a. In-ground pools are permitted following set back guidelines (ARC).
 - b. Inflatable toddler pools under 12” deep are allowed as long as they are temporary. They must be removed daily.

Amenities

The hours of use for the Amenities may be revised by the board and will be posted at the Amenity site. The hours available for use will be based upon the Monitor’s Schedule and Daylight Hours. Amenities may be closed without advance notice due to emergencies, weather conditions, daylight hours, maintenance, and health issues

1. Golf Course Rules

- a. For hours of operation please see sign at Golf Course
- b. Private Golf Course for use by residents and their guests
- c. Recreation Permit required for all Players (ID Badge or Key Fob)
- d. Children under the age of 14 must be accompanied by an adult

- e. Children under 7 years old not allowed
- f. Shirts and soft spiked or non-spiked shoes are required
- g. Repair all ball marks on greens, divots on tees, fairways and Bunkers
- h. Tees must be used when teeing off
- i. Play the course as designed (Hole one through nine)
- j. All blacktop paths are out of bounds - ball must be moved in bounds
- k. Course not to be used as a driving Range; Limit 2 ball Play when course is not too busy.
- l. Closed for maintenance if pins are out and/or signs are displayed
- m. No pets allowed except service animals
- n. No glass bottles allowed on golf course area
- o. No smoking or vaping
- p. No loitering
- q. Golf carts allowed on course
- r. Please report any misuse of golf course to Management

2. Community Pool Rules

- a. Residents only and their guests – ID required (ID Badge or Key Fob)
- b. No lifeguard on duty – Fountain Lakes is not responsible for any injuries. Use the pool at your own risk
- c. Pool hours dawn to dusk or to coincide with monitors hours of operation
- d. No diving, jumping, or running.
- e. Children under 12 years must be accompanied by an adult
- f. Children and adults must wear proper swim attire while in the pool. Untrained children and incontinent adults must wear swimming diapers.
- g. No food or beverages in pool or within 6 feet of the pool except for plastic bottled water. No Glass
- h. No animals except ADA/FHA dogs in fenced pool
- i. Shower before entering pool
- j. Maximum pool load 17 persons
- k. No night swimming, no parties in the pool area
- l. Emergency phone (#911)
- m. Do not swallow water
- n. Do not use pool if ill with diarrhea or any virus
- o. Please report any misuse of pool area to Management

3. Fitness Center Rules

- a. Hours of operation 5 AM to 9 PM
- b. Residents only and their guests - Key Fob is required for entry
- c. Use Equipment at your own risk. Fountain Lakes is not responsible for any injuries
- d. Read and heed instructions attached to each piece of equipment
- e. Be sure to warm up and stretch prior to strenuous exercise
- f. Proper attire and shoes are required, no wet bathing suits, flip flops, or sandals
- g. Children under the age of 14 must be accompanied by an adult
- h. Children under 7 not allowed
- i. No pets allowed except service animals
- j. No glass bottles or food allowed in gym area
- k. No smoking or vaping

- l. No loitering
- m. For your safety, exercise with a friend
- n. No cell phone calls in the gym
- o. Must use headphones to listen to music
- p. Disinfect machine and equipment after use
- q. The door is to remain locked and not propped open by any means
- r. Please report any misuse of fitness center to Management

4. Playground Rules

- a. Hours of operation dawn to dusk
- b. Children under the age of 12 must be accompanied by an adult
- c. No pets allowed except service animals
- d. No glass bottles allowed in play area
- e. No smoking or vaping
- f. No loitering
- g. Please report any misuse of playground to Management

5. Billiards Rules

- a. Residents and guests only. Key Fob is required for entry
- b. Hours of operation 9 AM to 9 PM
- c. Children under the age of 14 not allowed in billiards room. Children between the age of 15 and 17 must be accompanied by his/her resident parent, grandparent, or legal guardian or responsible adult
- d. No pets allowed except service animals
- e. No food or drinking in the billiards room
- f. No Smoking or vaping
- g. No wet bathing suits
- h. No loitering
- i. The door is to remain locked and not propped open by any means
- j. Please be courteous, and limit your play if others are waiting
- k. Please report any misuse of Billiards to Management

6. Tennis and Pickleball Courts, Shuffleboard, and Bocce Rules

- a. Residents only and their guests Recreation Permit required for all Players (ID Badge or Key Fob)
- b. Hours of operation will be approximately 7:30 am to 7:30 pm or to coincide with monitors hours of operation
- c. Courts are for Tennis, Basketball and Pickleball only.
- d. Basketball may be played on the court, but basketball players must cede the court to tennis and pickleball players
- e. No pets allowed except service animals
- f. No glass bottles allowed in court area
- g. Shirt must be worn
- h. Tennis shoes or sneakers must be worn
- i. No rollerblades, skateboards, Heelys, or bicycles allowed
- j. No smoking or vaping
- k. No loitering
- l. Please report any misuse of these Amenities to Management

7. Screen Room and Picnic/Grill areas

- a. Hours of operation 9 AM to 9 PM

- b. Children under the age of 14 must be accompanied by an adult
- c. No pets allowed except service animals
- d. No glass bottles allowed in screen room area
- e. No smoking or vaping
- f. No loitering
- g. Screen room and picnic area are on a first come first serve basis
- h. The room/area/Grill must be cleaned and vacated by 9 PM
- i. Please report any misuse of screen room to Management

8. Library Rules

- a. Hours of operation 9 AM to 9 PM
- b. Children under the age of 14 must be accompanied by an adult
- c. No pets allowed except service animals
- d. No food or drinks allowed in Library area
- e. No wet bathing attire or clothing
- f. No loud talking
- g. No smoking or vaping
- h. No loitering
- i. Library may be used for game and card playing
- j. Books may be taken and returned in good faith.
- k. The door is to remain locked and not propped open by any means
- l. Residents and guest only. Key Fob is required for entry
- m. Please report any misuse of Library to Management

9. Club House Rules

- a. Hours of operation 9 AM to 9 PM. Extended hours for Bingo, planned social activities, and planned special activities are allowed upon approval by the Board or Management.
- b. Children under the age of 12 must be accompanied by an adult
- c. No pets allowed except service animals
- d. No smoking or vaping
- e. No loitering
- f. All scheduled events must be scheduled through the Management Company and meet all requirements as detailed in the Rental Agreement. The rental of the facility does not include the use of Fountain Lakes supplies, any missing supplies will be deducted from the security deposit. The pool and deck area are not to be used during any event.
- g. Please report any misuse of club house to Management
- h. Some events are free of charge:
 - i. Fountain Lakes Board Meetings, Committee Board Meetings, Neighborhood Board Meetings, which will have a priority over other events.
 - ii. Any Fountain Lakes function that is open to all residents and guests.
 - iii. Any neighborhood function that is open to all neighborhood residents.
 - iv. Any memorial service for a deceased resident.
 - v. Any amenity club under jurisdiction of membership services committee such as: sports events, sewing, arts, cards, etc. are responsible for any hall damages their club might cause.
 - vi. Any social event sponsored by a resident that is open to all Neighborhood Residents and guests or Fountain Lakes Residents must be approved by the Master Board and publicized accordingly.
 - vii. All free events must be scheduled with the Property Manager, no need to fill out an application.

- viii. If the event is of a commercial nature and a sale of good or service is processed, then the event would not qualify to be free of charge. Fee-based Classes, seminars, Dances, and activities for the benefit of the community may request usage of the Activity room at no charge.
- i. **Personal Functions:**
 - i. There is a fee to hold the function and a security deposit that will be returned to the owner after the hall has been inspected.
 - ii. An event that an owner or renter of FLCA that would like to hold for a private group. Such as a baby shower, or birthday party.
 - iii. The owner must complete the Fountain Lakes Community Hall Registration & Utilization Agreement, which is found on the website and in the clubhouse.
 - iv. the owner that signed the rental form must attend the entire function.
 - v. The room must be cleaned and vacated by 9:00 p.m. If the event goes past 9:00 p.m., there will be an additional fee for each additional 30 minutes, and those charges will be deducted from the security deposit.
 - vi. County elections polling place and any civic function that has been approved by the Board in advance shall be charged at the discretion of the board.
 - vii. If liquor is served at a function, the owner must sign an indemnity form prior to the function and no liquor can be sold at any event.
- j. **Signs:**
 - i. Personal Function: one directional sign at the divide (past entry gates on 41) of Fountain Lakes Blvd the day of the party only.
 - ii. Sponsored events by Membership Services open to the public: two signs, one at the US 41 entry to be a banner type sign and professionally made not more than six days prior to event, and one directional sign at the divide (past entry gates on 41) the day of the event.
 - iii. Private party: one directional sign at the divide (past entry gates on 41) of Fountain Lakes Blvd the day of the party only.